IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION
CRIMINAL WRIT PETITION NO. 1948 OF 2005

Maharashtra Investors Action Council.] .. Petitioner

Versus

1. M/s. Busybiz Network Solutions (P) Ltd. & 22 Ors.] .. Respondents

Mr. P. Janardana with Jaya Nair for the petitioner.

Mrs. Usha Kejriwal, APP, for the respondent No.23-State.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 18TH JANUARY, 2006

P.C. :

. Heard Mr. P. Janardana, the learned counsel for the petitioner and Ms. Usha Kejriwal the learned Assistant Public Prosecutor for respondent No.23.

2. The petitioner has prayed for the following reliefs:

> "A. That this Hon'ble Court may be pleased to transfer this case in toto, to the CBI for a thorough enquiry and arrest rest of the 18 accused persons.

B. That this Hon'ble Court be pleased to permit or direct the Mumbai Crime Branch to distribute the property proportionately among the investors (Petitioners) of the above company after the valid auction of the sealed/seized immovable property from Kerala which belongs to the main accused and his brother (respondent No.2 and 3).

OR

That this Hon'ble Court be pleased to permit or direct the Mumbai Crime Branch to hand over these immovable property (value of 7.5 crores of rupees) to the Petitioner's registered action council for the purpose of a valid auction and distribution among the whole investors."

3. Having considered the matter thoughtfully, we are of the view that none of the prayers made in the Writ Petition deserves to be granted. The facts that have come before us do not justify the transfer of petitioner's case to the Central Bureau of Investigation. Needless however to say that FIR No.48 of 2004 registered with the Mumbai Crime Branch has to be taken to a logical conclusion and the concerned Police authorities have to proceed in the matter in accordance with law.

4. As regards the second prayer made by the petitioner to permit or direct the Mumbai Crime Branch to distribute the property proportionately amongst the

investors, we are afraid, the law does not permit such direction to be issued.

5. Writ Petition is disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]